

AMENDED IN SENATE APRIL 12, 2005

SENATE BILL

No. 198

Introduced by Senator Lowenthal

February 10, 2005

An act to add Section 18871.1 to, to add Article 2.1 (commencing with Section 18615) to, and to repeal the heading of Article 2.5 of, Chapter 5 of Part 2.1 of Division 13 of, the Health and Safety Code, relating to manufactured homes.

LEGISLATIVE COUNSEL'S DIGEST

SB 198, as amended, Lowenthal. Manufactured housing: installation.

Existing law, the Mobilehome Parks Act, authorizes factory-built housing bearing a designated insignia, manufactured homes as defined, mobilehomes as defined, and multiunit manufactured housing as defined, to be affixed to a foundation system within a mobilehome park if the installation conforms to certain conditions. Existing law requires a contractor engaged to install a manufactured home or mobilehome to obtain a permit from the enforcement agency each time a manufactured home or mobilehome is to be located, installed, or reinstalled on any site for the purpose of human habitation or occupancy as a dwelling and requires the contractor to display a valid contractor's license when applying for the permit. Existing law requires the contractor to complete the installation in accordance with the regulations adopted by the department within the time limitations that are established by the regulations. Existing law prohibits the requirements for the installation of a manufactured home or mobilehome from exceeding specified statutory requirements. Existing law makes it a misdemeanor to willfully violate the Mobilehome Parks Act.

This bill would require the Department of Housing and Community Development to implement a program complying with federal requirements related to standards for installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and the licensing, training, and certification of installers of manufactured homes, multiunit manufactured housing, and commercial modulars. The bill would require the department to establish minimum standards of expertise relating to installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars, and to develop an examination necessary to assess that expertise. The bill would prohibit a person from acting as a contractor or general manufactured home contractor to install or alter the installation of a mobilehome, manufactured home, multiunit manufactured housing, or commercial modulars unless the person is certified to do so and is a licensed contractor, as specified. The bill would authorize the issuance of a citation and civil penalty against an installer or person required to be certified for violations of provisions relating to installing or altering the installation of manufactured homes, multiunit manufactured housing, and commercial modulars. Because a willful violation of these provisions would be a misdemeanor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 2.1 (commencing with Section 18615) is
- 2 added to Chapter 5 of Part 2.1 of Division 13 of the Health and
- 3 Safety Code, to read:

Article 2.1. Installation of Manufactured Homes

18615. (a) The department shall implement a program complying with the requirements of Section 5404 of Title 42 of the United States Code related to standards for installing or altering the installing of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and the licensing, training, and certification of installers of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars. To the extent feasible, the program shall utilize existing licensing requirements and procedures of the Contractors State Licensing Board.

(b) The department shall establish minimum standards of expertise related to the installing or altering the installation of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars for certification of installers and shall provide, in a technical and practical study guide format, information to assist the installer to achieve certification. ~~The department may deny recertification after the certification or licensing is rescinded by the Contractors State Licensing Board if the department determines that there is a significant probability that an applicant will not comply in the future with installation and alteration requirements.~~ A denial of recertification is subject to appeal to the director of the department or the director's representative.

(c) The department shall develop the examinations necessary to assess the expertise of persons seeking certification as an installer of manufactured homes, mobilehomes, multiunit manufactured housing, and commercial modulars and shall establish a testing process to administer those examinations.

(d) When an applicant passes the examination administered pursuant to subdivision (c), the department shall provide proof of certification to the successful applicant.

(e) Certification of installers shall run concurrently with the underlying contractor's license issued or renewed by the Contractors State Licensing Board. The certification, the underlying license, or both the certification and license may be suspended or revoked by the Contractors State Licensing Board if the applicant has performed unsatisfactorily or violated any

1 provision of Part 2 (commencing with Section 18000), this part,
2 or Part 2.3 (commencing with Section 18860).

3 (f) The department may charge fees commensurate with its
4 costs of implementing this section to applicants for installer
5 certification or renewal, training, and testing.

6 18615.5. (a) The director of the department or his or her
7 designee or an employee authorized by a local enforcement
8 agency that has assumed jurisdiction pursuant to Sections 18300
9 and 18865, may issue a citation that assesses a civil penalty
10 against an installer or person required to be certified pursuant to
11 Section 18616 for any violation of Part 2 (commencing with
12 Section 18000), this part, or Part 2.3 (commencing with Section
13 18860), or regulations adopted pursuant to those provisions that
14 relate to installing or altering the installation of manufactured
15 homes, mobilehomes, multiunit manufactured housing, and
16 commercial modulars.

17 (b) Each citation and related civil penalty assessment shall be
18 issued no later than six months after issuance of the notice to
19 correct that is the basis of the citation. The penalties provided for
20 in this section are in addition to, and shall be consistent with, the
21 remedies and penalties specified in Section 18700 or Chapter 9
22 (commencing with Section 7000) of Division 3 of the Business
23 and Professions Code, Part 2 (commencing with Section 18000),
24 this part, or Part 2.3 (commencing with Section 18860), or
25 regulations adopted pursuant to those provisions.

26 (c) The amount of any civil penalty assessed pursuant to
27 subdivision (a) shall be in the amounts specified in Section
28 18021.7. The civil penalties assessed pursuant to this section
29 shall be payable to the enforcement agency and shall be remitted
30 within 45 days of the issuance of the citation.

31 (d) A person or entity that is served a citation pursuant to this
32 section may petition the director or his or her designee, or the
33 authorized representative or the local enforcement agency, where
34 applicable, for a hearing. The petition shall be in writing and
35 shall be received by the department or the local enforcement
36 agency within 30 days of the date of issuance of the citation.

37 (e) Upon receipt of a timely petition, the enforcement agency
38 shall suspend enforcement of the citation, set a time and place for
39 a hearing, and give the recipient of the citation written notice of
40 the hearing. The hearing shall commence no later than 30 days

1 following receipt of the petition or at another time scheduled by
2 the enforcement agency pursuant to a request by the petitioner or
3 the enforcement agency if the enforcement agency determines
4 that good and sufficient cause exists. If the petitioner fails to
5 appear at the time and place scheduled for the hearing, the
6 enforcement agency may notify the petitioner in writing that the
7 petition is dismissed and that compliance with the terms of the
8 citation shall occur within 10 days after receipt of the
9 notification.

10 (f) The enforcement agency shall notify the petitioner in
11 writing of its decision and the reasons for the decision within 30
12 days following conclusion of the hearing held pursuant to this
13 section. If the enforcement agency upholds the citation, in whole
14 or in part, the petitioner shall comply with the citation in
15 accordance with the decision within 30 days after the decision is
16 mailed by the enforcement agency.

17 18616. (a) Notwithstanding any other provision of law, a
18 person may not act as a contractor or general manufactured home
19 contractor, as those terms are defined in Article 2 (commencing
20 with Section 7025) of Chapter 9 of Division 3 of the Business
21 and Professions Code, or regulations promulgated pursuant to
22 those provisions, to install, or alter the installation of, a
23 manufactured home, mobilehome, multiunit manufactured home,
24 or commercial modular unless that person has been certified
25 pursuant to Section 18615 and is one of the following:

26 (1) A general contractor who holds the ~~“C-47”~~ “C-47”
27 manufactured home specialty license as defined in the regulation
28 of the Contractors State Licensing Board.

29 (2) A specialty contractor who holds the ~~“C-47”~~ “C-47”
30 manufactured home specialty license as defined in the
31 regulations of the Contractors State Licensing Board.

32 (b) An application by a person for a permit to install, alter the
33 installation of, or reinstall a manufactured home, mobilehome,
34 multiunit manufactured housing, or commercial modular
35 pursuant to this part or Part 2.3 (commencing with Section
36 18860) shall be accompanied by the appropriate license issued by
37 the Contractors State Licensing Board and, if applicable, the
38 permit issued pursuant to Section 18551.1.

39 (c) This section shall become operative on July 1, 2006.

1 SEC. 2. The heading of Article 2.5 of Chapter 5 of Part 2.1 of
2 Division 13 of the Health and Safety Code, immediately
3 following Section 18614, is repealed.

4 SEC. 3. Section 18871.1 is added to the Health and Safety
5 Code, to read:

6 18871.1. If a manufactured home, mobilehome, or
7 commercial modular is installed in a park, or its installation is
8 altered, the installation or alteration shall comply with the
9 applicable provisions of Part 2.1 (commencing with Section
10 18200) and the regulations adopted pursuant to those provisions.

11 SEC. 4. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.